

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO.: 5:18MJ1099
)
Plaintiff,) MAGISTRATE JUDGE KATHLEEN B.
)
) BURKE
)
v.)
)
JAMES E. ROBINSON,) GOVERNMENT'S 3RD MOTION TO
)
Defendant.) EXTEND TIME FOR RETURNING
) INDICTMENT

The United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Daniel J. Riedl, Assistant U.S. Attorney, respectfully moves this Court to extend the time for filing an information or indictment until October 25, 2018, for the reasons set forth in the attached Memorandum.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Daniel J. Riedl
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MEMORANDUM

A.

On May 10, 2018, a criminal complaint (Case No. 5:18 MJ 1099) was filed against defendant, James E. Robinson, charging the defendant with a violation of federal law, that is intentionally causing damage without authorization to a protected computer in violation of Title 18, United States Code, Section 1030(a)(5)(A). Defendant was remanded to the custody of the U.S. Marshal's Service, and the matter was bound over to the grand jury. On June 6, 2018, the Government filed a Motion for Extension of Time to Indict. (R. 12: Motion, PageID 44). This motion was granted the same day. (6/6/2018 Docket Entry). On August 3, 2018, the Government filed a Second Motion for Extension of Time to Indict. (R. 16: Motion, PageID 70). A waiver signed by the parties was filed on August 10, 2018 (R. 17-1, PageID 76) and it was granted the same day (R. 77: Waiver, PageID 77). This is the third motion to extend the time to indict. The current deadline to file an indictment or information is on or before September 7, 2018.

B.

Title 18, Section 3161 of the United States Code provides that an "information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b). In the instant prosecution, the government is required to file an indictment or information on or before August 8, 2018.

The government submits that a limited extension of the time for filing an information or indictment will serve the ends of justice by affording the parties a meaningful opportunity to discuss a possible resolution of this case prior to indictment. It is anticipated that the parties will use the proposed extension of time to ascertain as many of the relevant facts as possible, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation and/or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d

Cir. 1994) (approving “ends of justice” continuance to allow negotiations to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If grand jury presentment proves necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges and will allow for the streamlined presentation of evidence offered in support of those charges.

For all of the foregoing reasons, the government, pursuant to 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to extend the time for filing an information or indictment from September 7, 2018, until October 25, 2018, and to enter a finding under that section that the ends of justice are served by taking such action, and that this continuance outweighs the best interest of the public and the defendant in a speedy trial

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2018 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Daniel J. Riedl

Daniel J. Riedl
Assistant U.S. Attorney